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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
10 **SACRAMENTO DIVISION**

11 **SUNSWEET GROWERS, INC.,** **CIV. S-05-618 GEB PAN**  
12 **Plaintiff,** **STIPULATED JUDGMENT**

13 v.

14 **RICHARD C. ATTINGER,**  
15 **ROBERT GWALTNEY, LOUISE**  
16 **GWALTNEY, CORRIE LEISEN,**  
17 **JANET LEISEN, ERIK NIELSEN**  
18 **ENTERPRISES, JOHN TAYLOR**  
**FERTILIZER, FARM SERVICE**  
**AGENCY and MOE**  
**WHITCHURCH,**

19 Defendants.

20 **STIPULATED JUDGMENT**

21  
22 Upon review of the stipulation of plaintiff SUNSWEET GROWERS, INC. ("Sunsweet"),  
23 defendants ROBERT GWALTNEY and LOUISE GWALTNEY ("Gwaltneys"), defendant  
24 RICHARD ATTINGER ("Attinger"), defendant JOHN TAYLOR FERTILIZER ("Taylor") and  
25 defendant FARM SERVICE AGENCY, by and through the United States of America ("USA"),  
26 and good cause appearing therefore,  
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1 IT IS ORDERED, ADJUDGED, AND DECREED that:

2 1. The property in controversy consists of \$10,000 held by Sunsweet and  
3 approximately \$86,000 on deposit with the court (collectively "2002 Crop Proceeds").

4 2. The following parties have no interest in the 2002 Crop Proceeds:

5 (a) defendants CORRIE LEISEN and JANET LEISEN;

6 (b) defendant ERIK NIELSEN ENTERPRISES;

7 (c) defendant RICHARD C. ATTINGER; and

8 (d) defendant MOE WHITCHURCH.

9 3. The remaining parties' respective interest in the 2002 Crop Proceeds are:

10 (a) The first \$8,093.23 to the Gwaltneys;

11 (b) The next \$13,700 to Sunsweet (on account of its claim for attorneys' fees  
12 and costs);

13 (c) The next \$3,000 to Taylor;

14 (d) The entire balance, approximately \$71,200 to USA;

15 4. The \$10,000 held by Sunsweet, including accrued interest, shall be distributed to  
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17  
18 Sunsweet.

19 5. The \$86,000 on deposit with the court shall be distributed as set forth below:

20 (a) The first \$8,093.23 to the Gwaltneys;

21 (b) The next \$3,700 to Sunsweet;

22 (c) The next \$3,000 to Taylor; and

23 (d) The entire balance, approximately \$71,200 to USA.

24 6. There is also a possible retain distribution estimated up to \$28,039.02 for the 2002  
25 Crop Proceeds. Pursuant to Sunsweet's membership agreement and bylaws, such a distribution  
26 is not scheduled to be distributed until 2007 and is subject to board approval. Pursuant to the  
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1 parties' stipulation, the USA will be entitled to the entire retain distribution for the 2002 Crop  
2 Proceeds if any.

3 7. This judgment resolves the dispute concerning the 2002 Crop Proceeds and  
4 Gwaltneys, Attinger, Taylor, and USA will not institute or further prosecute any further  
5 proceeding in any court concerning the 2002 Crop Proceeds.  
6

7 8. Except as provided herein, the parties shall bear their own attorney fees and costs.  
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9 DATED: May 10, 2006

10 /s/ Garland E. Burrell, Jr.  
GARLAND E. BURRELL, JR.

11 United States District Judge

12 APPROVED AS TO FORM:  
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15 Dated: \_\_\_\_\_

SEYFARTH SHAW LLP

16  
17 By: \_\_\_\_\_

18 **ROBERT MILLIGAN**  
Attorneys for Sunsweet

19 Dated: \_\_\_\_\_

20 **MINASIAN SPRUCE MEITH SOARES & SEXTON**

21 By: \_\_\_\_\_

22 **PAUL R. MINASIAN**  
Attorneys for Gwaltneys and Attinger

23 Dated: \_\_\_\_\_

24 **RIEGELS CAMPOS & KENYON**

25 By: \_\_\_\_\_

26 **DAVID A. REIGELS**  
Attorneys for Taylor  
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Dated: \_\_\_\_\_

**UNITED STATES ATTORNEY'S OFFICE**

By: \_\_\_\_\_

**ANA MARIA MARTEL**  
Attorneys for USA